

Introduced by Senator Peace

February 24, 1995

An act to amend Sections 25110.10 and 25121.3 of, and to add Section 25163.5 to, the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1063, as introduced, Peace. Hazardous waste consolidation sites: transportation.

(1) Existing law requires any person producing a hazardous waste to provide the person who will transport the hazardous waste with an applicable manifest that is completed as required by the department. Existing law prohibits the transportation of hazardous waste by any person, unless the person holds a registration issued by the Department of Toxic Substances Control.

Existing law deems hazardous waste initially collected at a remote site and subsequently transported to a consolidation site to have been generated at the consolidation site, if the waste is non-RCRA hazardous waste or not subject to RCRA, and if specified requirements are met, including if the hazardous waste is not generated through large spill cleanup activities, the hazardous waste is transported to the consolidation within 10 days of managing the waste, and the generator maintains specified information at the consolidation site. Existing law exempts a person who initially collects any such hazardous waste at a remote site and transports the hazardous waste to a consolidation site operated by the generator from complying with the

requirements concerning possession of a manifest and registration as a hazardous waste transporter with regard to the hazardous waste. A violation of the laws regulating hazardous waste is a crime.

This bill would delete the prohibition that hazardous waste at a consolidation site not be generated through large spill cleanup activities. The bill would increase the time when the hazardous waste is required to be transported to 30 days and would delete the requirement that the generator maintain the information at the consolidation site.

The bill would additionally provide that remotely generated hazardous waste not otherwise subject to that exemption be deemed to be generated at the consolidation site if the hazardous waste is a bulk non-RCRA hazardous waste generated in the course of a removal or remedial action to a hazardous substance release, the consolidation site is not more than 5 miles from the remote site, and specified requirements are met with regard to the management of that hazardous waste, including the completion of a project master manifest for each noncontiguous hazardous substance removal or remedial action involving similar types of hazardous waste. The bill would exempt a person who initially collects hazardous waste subject to the bill at a remote site and transports the hazardous waste to a consolidation site operated by the generator from the requirements concerning manifests and registration as a hazardous waste hauler, except as specified. The bill would require the department to determine the master manifest fee at the completion of the hazardous substance removal or remedial action by imposing a fee of \$12 for each transport, as determined by the bills of lading, and to deposit the fees collected into the Hazardous Waste Control Account, for expenditure, upon appropriation by the Legislature, in accordance with other provisions. Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program by redefining a crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25110.10 of the Health and
2 Safety Code is amended to read:

3 25110.10. (a) “Consolidation site” means a site to
4 which hazardous waste initially collected at a remote site,
5 as defined in Section 25121.3, is transported.

6 (b) ~~Hazardous~~ Except as provided in Section 25163.5,
7 hazardous waste initially collected at a remote site and
8 subsequently transported to a consolidation site, which is
9 operated by the generator of the hazardous waste, shall
10 be deemed to be generated at the consolidation site for
11 purposes of this chapter if the generator notifies the
12 department pursuant to subdivision (d) and all of the
13 following conditions are met:

14 (1) The hazardous waste is non-RCRA hazardous
15 waste, or the hazardous waste or its management at the
16 consolidation site is otherwise exempt from, or is not
17 otherwise regulated pursuant to, the federal act.

18 (2) ~~(A) The hazardous waste is not generated~~
19 ~~through large spill cleanup activities.~~

20 ~~(B) As used in this paragraph, “large spill cleanup”~~
21 ~~means a spill cleanup operation which generates more~~
22 ~~than a total of 275 gallons or 2,500 pounds, whichever is~~
23 ~~greater, of hazardous waste.~~

24 ~~(3) The hazardous waste is transported to the~~
25 ~~consolidation site within 10 30 days from the date that the~~
26 ~~generator first begins to actively manage the hazardous~~
27 ~~waste at the remote site, unless the generator has been~~
28 ~~granted an extension to the 10-day 30-day period. An~~
29 ~~extension of up to 20 60 days may be granted by the~~
30 ~~department, if the generator demonstrates to the~~
31 ~~department’s satisfaction that more than 10 30 days is~~
32 ~~required to collect and transport the hazardous waste to~~
33 ~~the consolidation site solely for the purpose of facilitating~~

1 effective and efficient removal, collection, or
2 transportation of the hazardous waste.

3 ~~(4)~~

4 (3) The hazardous waste is not handled at any interim
5 site en route from the remote site to the consolidation site,
6 except that the hazardous waste may be temporarily held
7 at an interim site pursuant to subdivision (b) of Section
8 25121.3 and subdivision (e) of Section 25163.3.

9 ~~(5)~~

10 (4) At the consolidation site, the hazardous waste is
11 managed at all times in accordance with all applicable
12 requirements of this chapter and the regulations adopted
13 by the department pursuant to this chapter. For purposes
14 of Section 25123.3, the 90-day accumulation period shall
15 begin on the day that the hazardous waste arrives at the
16 consolidation site.

17 ~~(6)~~

18 (5) Each container of hazardous waste is labeled at the
19 remote site, in accordance with the regulations adopted
20 by the department pertaining to labeling requirements
21 for generators, and the label remains on the container at
22 all times while the hazardous waste is in the container and
23 in the possession of the generator. Each container shall be
24 labeled with the date that the container reaches the
25 consolidation site. If individual containers are placed into
26 a larger container, the labeling information required
27 pursuant to this paragraph and paragraph (6) of
28 subdivision (b) of Section 25121.3 shall also be placed on
29 the outside of the larger container. If the hazardous waste
30 is transferred to another container, the labeling
31 information required pursuant to this paragraph and
32 paragraph (6) of subdivision (b) of Section 25121.3 shall
33 also be placed on the outside of the new container.

34 ~~(7)~~

35 (6) The generator maintains ~~at the consolidation site~~
36 the information specified in paragraphs (1) to (10),
37 inclusive, of subdivision (g) of Section 25163.3 for each
38 shipment of hazardous waste initially collected at a
39 remote site that is received at the consolidation site. This
40 information shall be maintained for at least three years

1 from the date that hazardous waste is received at the
2 consolidation site. For shipments subject to the
3 requirement to be accompanied by a shipment paper
4 pursuant to subdivision (g) of Section 25163.3, the
5 requirements of this paragraph may be fulfilled by
6 maintaining a copy of the shipping paper ~~at the~~
7 ~~consolidation site.~~

8 (c) For purposes of paragraph (1) of subdivision (d)
9 of Section 25123.3, the “initial accumulation point” for
10 hazardous waste initially collected at a remote site and
11 subsequently transported to a consolidation site, in
12 accordance with subdivision (b), shall be deemed to be
13 the location where the hazardous waste is first
14 accumulated at the consolidation site.

15 (d) (1) Subdivision (b) of this section and subdivision
16 (b) of Section 25121.3 apply only to a generator who
17 annually notifies the department of the generator’s intent
18 to operate under this exemption. Any person who notifies
19 the department of their intent to operate under this
20 exemption shall comply with the requirements of this
21 section and Sections 25121.3 and 25163.3. The notification
22 shall include all of the following information:

23 (A) A general description of the remote location from
24 which the non-RCRA hazardous waste will be initially
25 collected.

26 (B) A description of the type of hazardous waste that
27 may be collected.

28 (C) The location of the consolidation site and the
29 generator ID number for that generator.

30 (D) Significant differences in the generator’s
31 operations from the prior year’s notification.

32 (2) Following the procedures specified in Section
33 25187, the department may revoke a generator’s
34 authority to operate pursuant to the exemption specified
35 in this section and Sections 25121.3 and 25163.3, if the
36 generator has demonstrated a pattern of failure to meet
37 the requirements of this section and Sections 25121.3 and
38 25163.3 and the department has notified the generator of
39 these violations prior to issuing an order pursuant to
40 Section 25187.

1 SEC. 2. Section 25121.3 of the Health and Safety Code
2 is amended to read:

3 25121.3. (a) “Remote site” means a site operated by
4 the generator where hazardous waste is initially
5 collected, at which generator staff, other than security
6 staff, is not routinely located, and which is not contiguous
7 to a staffed site operated by the generator of the
8 hazardous waste or which does not have access to a staffed
9 site without the use of public roads. Generator staff who
10 visit a remote location to perform inspection, monitoring,
11 or maintenance activities on a periodic scheduled or
12 random basis, less frequently than daily, are not
13 considered to be routinely located at the remote location.

14 (b) Notwithstanding this chapter or the regulations
15 adopted by the department pursuant to this chapter, a
16 generator who notifies the department pursuant to
17 subdivision (d) of Section 25110.10 may hold hazardous
18 waste at the remote site where the hazardous waste is
19 initially collected, or at another remote site operated by
20 the generator, while en route to the consolidation site, if
21 all of the following requirements are met with respect to
22 the hazardous waste, *except as provided in Section*
23 *25163.5*:

24 (1) The hazardous waste is a non-RCRA hazardous
25 waste, or the hazardous waste or its management at the
26 remote site is otherwise exempt from, or is not otherwise
27 regulated pursuant to, the federal act.

28 (2) The requirements of subdivision (b) of Section
29 25110.10 are met.

30 (3) All personnel handling hazardous waste at any
31 remote site complete health and safety training
32 equivalent to the training required under Section 5194 of
33 Title 8 of the California Code of Regulations, prior to
34 being assigned to handle hazardous waste.

35 (4) A description of the actions which the generator’s
36 personnel will take to minimize hazards to human health
37 and safety or to the environment from fires, explosions,
38 or any unplanned release of hazardous waste or
39 hazardous waste constituents to air, soil, or surface water
40 at the remote site where the hazardous waste is being



1 managed shall be included in the contingency plan for
2 the consolidation site. A single generic description of
3 response actions may be used for all similar remote sites
4 associated with a single consolidation site.

5 (5) As soon as the generator begins to actively manage
6 the hazardous waste at the remote site, the generator
7 places the hazardous waste in a container meeting the
8 requirements of the United States Department of
9 Transportation applicable to containers used to transport
10 hazardous waste, and the containers are managed in
11 accordance with the regulations adopted by the
12 department regarding the management by generators of
13 containers used to hold hazardous waste.

14 (6) The containers used to hold the hazardous waste at
15 the remote site are labeled, in accordance with the
16 regulations adopted by the department pertaining to
17 labeling requirements for generators, as soon as the
18 hazardous waste is placed in the container.

19 (7) The generator makes a reasonable effort to
20 minimize the possibility of unknowing or unauthorized
21 entry into the area where the hazardous waste is held at
22 the remote site. If the remote site is located within one
23 mile of a residential or commercial area, or is otherwise
24 readily accessible to the public, the area where hazardous
25 waste is held at the remote site shall at all times be
26 supervised by employees or agents of the generator or
27 otherwise secured so as to prevent unknowing entry and
28 to minimize the possibility for unauthorized entry.

29 (c) *Except as provided in Section 25163.5, if* the
30 management of hazardous wastes at a remote site does
31 not meet all of the conditions specified in subdivision (b),
32 the hazardous waste shall be subject to all other
33 applicable generator and facility requirements of this
34 chapter and the regulations adopted by the department
35 to implement this chapter.

36 SEC. 3. Section 25163.5 is added to the Health and
37 Safety Code, to read:

38 25163.5. (a) A hazardous waste shall be deemed to be
39 generated at the consolidation site for purposes of this

1 chapter if the hazardous waste meets all of the following
2 requirements:

3 (1) The hazardous waste is not subject to the
4 exemption provided by subdivision (b) of Section
5 25110.10.

6 (2) The hazardous waste is a bulk non-RCRA
7 hazardous waste generated in the course of a removal or
8 remedial action to a hazardous substance release.

9 (3) The hazardous waste is initially collected at a
10 remote site, as defined in subdivision (a) of Section
11 25121.3, and subsequently transported to a consolidation
12 site, as defined in subdivision (a) of Section 25110.10,
13 which is operated by the generator of the hazardous
14 waste and which is not more than five miles from the
15 remote site.

16 (4) The hazardous waste is managed in the following
17 manner:

18 (A) The hazardous waste is transported by the
19 generator of the hazardous waste to a noncontiguous
20 location operated by the generator or transported by a
21 registered hazardous waste hauler operating under a
22 contract with the generator to a noncontiguous location
23 operated by the generator.

24 (B) Each transport occurs in vehicles certified
25 pursuant to Section 25168.3.

26 (C) The person transporting the hazardous waste has
27 obtained an endorsement pursuant to Section 15278 of
28 the Vehicle Code.

29 (D) A project master manifest is completed for each
30 generator-controlled noncontiguous hazardous
31 substance removal or remedial action involving similar
32 types of hazardous waste. The master manifest shall
33 contain all information required by Section 25160 for a
34 manifest and each transport of hazardous waste shall be
35 accompanied by a copy of the project master manifest,
36 and a bill of lading identifying the load number, date,
37 time, truck identification number, driver, shipment
38 origination location, and shipment destination.

39 (E) The generator or the registered hazardous waste
40 hauler under contract with the generator maintains the

1 master manifest transportation information in an
2 operating log for at least three years following completion
3 of the removal or remedial action.

4 (b) A person who initially collects hazardous waste
5 subject to this section at a remote site and transports that
6 hazardous waste to a consolidation site operated by the
7 generator in compliance with the requirements of
8 subdivision (a) is exempt from the requirements of this
9 article and Article 6.7 (commencing with Section
10 25167.1), except as otherwise expressly provided in
11 subdivision (a).

12 (c) The department shall determine the master
13 manifest fee at the completion of the hazardous substance
14 removal or remedial action exempted by this section,
15 according to the number of loads transported from the
16 remote site to the consolidation site during the period of
17 the project. The department shall impose a fee of twelve
18 dollars (\$12) for each transport, as determined by the bills
19 of lading, and shall deposit the fees collected into the
20 Hazardous Waste Control Account, for expenditure,
21 upon appropriation by the Legislature, in accordance
22 with Section 25174.

23 SEC. 4. No reimbursement is required by this act
24 pursuant to Section 6 of Article XIII B of the California
25 Constitution because the only costs that may be incurred
26 by a local agency or school district will be incurred
27 because this act creates a new crime or infraction,
28 eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition
31 of a crime within the meaning of Section 6 of Article
32 XIII B of the California Constitution.

33 Notwithstanding Section 17580 of the Government
34 Code, unless otherwise specified, the provisions of this act
35 shall become operative on the same date that the act
36 takes effect pursuant to the California Constitution.

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